



San Diego City Attorney **MICHAEL J. AGUIRRE**

MEDIA ADVISORY

FOR IMMEDIATE RELEASE: October 4, 2005

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PRESS AVAILABILITY

SUBPOENAED DOCUMENTS PROMPT CITY ATTORNEY TO PURSUE NEW LEGAL ACTION

PRESS AVAILABILITY: City Attorney Michael Aguirre will brief the news media regarding legal action he will take as a result of yesterday's revelation that the San Diego City Employees' Retirement Board (SDCERS) was advised by its outside legal counsel that their 2002 vote approving a pension underfunding scheme constituted a breach of fiduciary duties and should be rescinded. The March 2003 legal opinion by SDCERS's counsel were among numerous privileged documents subpoenaed by the U.S. Grand Jury and publicly released yesterday.

The City Attorney will also file a motion asking for reconsideration of a lawsuit he filed in July under the Political Reform Act. That action, which was dismissed last Friday by Superior Court Judge Charles Wickersham, alleged that City and Pension Officials held financial interests in illegal pension benefits created as a *quid pro quo* scheme in 2002.

DATE AND TIME: Today at 11 a.m.

LOCATION: City Attorney's Office,
1200 Third Avenue, Suite 1620,
Downtown San Diego

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